

CITY OF MEMPHIS, SHELBY COUNTY, TENNESSEE
MEMPHIS CHARTER COMMISSION MEETING
March 20, 2008

CALL TO ORDER: Commissioner Lowery called the meeting to order at 3:00 p.m. The following members of the Commission, constituting a quorum, were present: Willie Brooks, George Brown Jr., Sylvia Cox, Myron Lowery, Sharon Webb and Janis Fullilove.

Others in attendance included: Ricky E. Wilkins, The Law Offices of Ricky E. Wilkins; Zayid Saleem, City of Memphis Assistant City Attorney; Bridgett Hand-Clay, City of Memphis, Open Records Coordinator, among others.

APPROVAL OF MINUTES: Chairman Lowery noted that copies of the minutes from the Commission meeting of March 6, 2008 had been circulated prior to the meeting and asked if there were any changes or corrections. With no changes, the minutes were approved as presented.

OPENING DISCUSSION: Via telephone, Steve Lobertini with MTAS stated, within the next two weeks, the final draft of the Charter's clean-up work will be delivered to the Commissioners. Chairman Lowery noted the first draft received is being reviewed. Chairman Lowery explained the Commission requested clarification from the Office of the Attorney General of their definition of "clean-up" from the AG opinion dated February 13, 2008.

DISCUSSION AND ACTION

ETHICS:

Attorney Ricky Wilkins explained that in the State of Tennessee, an ouster statute currently exists which provides that upon indictment for certain types federal offenses by an elected official, the District Attorney, the City Attorney, and others can initiate a proceeding to oust the individual from office. Also, in relation to the ouster petition, one can petition the courts to suspend the individual pending the outcome. Attorney Wilkins felt Commissioner Brown' proposed motion was proper and stated if approved, some Constitutional safeguard provisions will need to be established by the Commissioners.

In addition, Chairman Lowery stated that his recommendation, concerning staggered terms, is to approve the concept, and discuss the detail in the near future.

Commissioner Brown made a motion that the Charter Commission present voters with an amendment, which states that any elected or appointed official charged with official malfeasance, be suspended with pay pending resolution of the charge. The vote was seconded by Commissioner Brooks and approved unanimously by all members present.

Chairman Lowery stated if the referendum is approved by voters and added to the Charter the suspensions are automatic and not subject to approval of the City Council.

Discussion of Proposed Charter Changes from the Master List

Chairman Lowery called the Commissioners attention to the Master list of proposed Charter Changes. Each item was discussed and given consideration. The following items listed below will be given further considerations.

1. Mayoral appointments should be only for existing positions defined in the Charter
2. All Mayoral appointees should be approved by the City Council
3. Citizens may propose amendments to the Charter via petition, and such changes will be subject to voter referendum
4. Limit contractual authority- any contracts over \$50.00 should require the approval of the City Council
5. All bonds issued should be publicly offered, and bids should be open publicly instead of being offered, selected, and granted by the Mayor
6. Power of contracts-The Charter says power of contracts remains with the mayor, but never said it was “with the Mayor.” Issue came up in 1988 to include City Council in that contract power, but was the Charter not changed
7. Interim appointments- Mayor can appoint on interim basis, but never brings appointment to council for approval; person stays in the position
8. Where authority lies, the word “solely” (regarding contractual authority) is not in the Charter. Powers of Mayor vs. Council is issue, needs to be more clearly defined. Council should have contractual authority not just the Mayor. Otherwise, believe part-time council works
9. Run-off-elections for all elected positions, Mayor and City Council. Instant run-offs
10. Prohibits City Council from making any change in the City Charter by ordinance or otherwise voter approval
11. Recommend that a regular review of the Charter be specified in the Charter itself
12. Needs a Charter section like Shelby County’s Charter sections which allow citizens generated referendums like the voters used in 1994 to set term limits for County Commissioners

NEW BUSINESS

Chairman Lowery called on Judge Sugarmon and asked him for his comments. Judge Sugarmon made several recommendations concerning City Court Judges. In closing, Chairman Lowery asked Judge Sugarmon to follow up on his recommendations via e-mail to the Commissioners by the next meeting.

ADJOURNMENT: There being no further business, the meeting was adjourned at 4:45 p.m. The next meetings of the Commission will be held on April 10th and April 24, 2008, at 3:00 p.m.

Respectfully Submitted,

Bridgett Handy-Clay